

REMARKS

Claims 1-19 are cancelled and Claims 20-32 are added. Claims 20-32 remain in the application. No new matter is added by the amendments to the claims.

In the Office Action dated June 15, 2005, the Examiner rejected Claims 1-3, 5-10, 13 and 15-19 under 35 U.S.C. 103(a) as being unpatentable over Talbot, previously cited, in view of Davis (U.S. Patent No. 5,556,120).

The Rejections:

Regarding Claim 1, the Examiner stated that Talbot discloses the invention substantially as claimed including an adaptive saddle, see Figs. 1-3, for example, comprising a saddle body 10 having a front attachment point 40 and at least one rear attachment point, see Fig. 4b, for example, and a support assembly 212, for example, releasably attached to one of said front and rear attachment points and including a vertically extending support member, best seen in Fig. 4b, for example. The Examiner admitted that Talbot does not disclose a pair of forearm pads removably and adjustably attached to the support member.

The Examiner stated that Davis teaches a similar structure including a pair of forearm pads 84, best seen in Fig. 5, for example, removably and adjustably attached to a support member 96, 98 in the analogous art of handicapped assistance devices for the purpose of assisting a handicapped individual. According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Talbot to include a pair of forearm pads as taught by Davis in order to assist a handicapped individual.

Regarding the remaining claims, the Examiner said that any reference to "removably and adjustably attached to the support member" is considered to be anticipated and/or obviated because the entirety of the construction is capable of being disassembled, reassembled, and adjusted (as pertaining to the tightening and loosening of connectors, such as nuts and bolts, etc.) as necessary. The Examiner cited Talbot in view of Davis as disclosing the claimed invention.

Regarding Claim 2, the Examiner stated that Davis further discloses wherein the vertically extending support member 96, 98 has a lower end engaging one of the front and rear attachment points, as via 46, 48, for example.

Regarding Claim 3, the Examiner stated that Davis further teaches including a trunk pad 84, for example, slidably mounted on the support member.

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Regarding Claim 5, the Examiner stated that Davis further teaches a head rest 38, for example, adjustably attached to the support member.

Regarding Claim 6, the Examiner stated that Davis further teaches a pair of handgrip assemblies, 112, 114, for example, removably and adjustably attached to the support member.

Regarding Claim 7, the Examiner stated that Davis further teaches a transverse frame member, such as the element connecting element 76, in Fig. 3, for example.

Regarding Claim 8, the Examiner stated that Davis further teaches a pair of arms members 86 attached to the frame member, via the element attached to element 76, for example.

Regarding Claim 9, the Examiner stated that Davis further teaches wherein each forearm pad 84 is attached to one of the arm members 86.

Regarding Claim 10, the Examiner stated that Davis further teaches a handgrip assembly 112, 114, for example, removably and adjustably attached to each of the arm members 86, via the interconnecting components, *inter alia*, 46, 48, for example.

Regarding Claims 13 and 15-19, the Examiner stated that in light of the above rejections, the remainder of the claims would be similarly obviated by Talbot in view of Davis.

Applicant's Response:

The Talbot patent shows a saddle assembly (no reference numeral) described as having a conventional seat portion 10 and a conventional saddle horn 14. Attached to the seat 10 is an upstanding back member 12 with buckles 20 for retaining the rider. A head rest portion 22 is attached to a shaft 24 which shaft is vertically moveable relative to the back member 12.

However, the Talbot drawings appear to be in conflict with the written description. Figs. 1-3 show a conventional saddle with the seat portion 10 and integral back member 12 resting thereon. Talbot states (Col. 2, Lines 45-47) that Fig. 4a illustrates "a modified back portion 112 which is adjustable in height as indicated by arrows 74." There is no reference numeral 112 in Fig. 4a and no structure for adjusting the height. What actually is shown in Fig. 4a are straps at the sides holding the seat portion 10 on the saddle and the arrows 74 illustrate that the seat portion 10 can be removed from the saddle when the straps are released.

The Examiner identified as a front attachment point the girth strap 40. While the girth strap 40 attaches the saddle assembly to the horse, it is not mounted to the saddle body adjacent

the pommel (horn 14) and does not function as an attachment point for a rider support assembly as defined by Applicant's claims.

The Examiner stated that Talbot shows at least one rear attachment point in Fig. 4B, but did not identify any structure as corresponding to an attachment point. The Examiner further stated that the back portion 212 is a support assembly, "for example, releasably attached to one of said front and rear attachment points and including a vertically extending support member, best seen in Fig. 4b, for example." Talbot describes Fig. 4B as showing the back portion 212 that pivots as indicated by arrows 76. While the back portion 212 is pivotally attached to the seat 10, there is no disclosure that the back portion 212 is releasably attached as defined by Applicant's claims.

New independent Claims 20, 28 and 32 each define a saddle body having a pommel and a cantle, a front attachment point means (20) mounted to the saddle body adjacent the pommel, and a rear attachment point means (22) mounted to the saddle body adjacent the cantle. Applicant's claims further define a support assembly (24, 24') including a vertically extending support member (26, 26') adapted to be selectively and releasably attached to each of the attachment point means.

The Talbot patent does not show or suggest any such "attachment point means". As explained above, the girth strap 40 identified by the Examiner as a "front attachment point" is not mounted to the saddle body adjacent the pommel (horn 14) and does not function as an attachment point for a rider support assembly as defined by Applicant's claims. The Examiner did not identify any structure of the Talbot saddle as corresponding to a rear attachment point. It appears to Applicant that the Talbot back member 12 is integral with seat portion 10 in Figs. 1-4a and 5a-c, is rotatably attached to the seat portion in Fig. 4b, and is hinged to the seat portion in Fig. 4c.

Applicant's independent Claims 20, 28 and 32 also define the support assembly as including a vertically extending support member adapted to be selectively and releasably attached to each of said front and rear attachment point means providing support to a handicapped, disabled, or injured rider from behind when attached to the rear attachment point means and from in front when attached to the front attachment point means. The Examiner stated that the Talbot back portion 212 is a support assembly. However, Talbot describes Fig. 4b as showing the back

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portion 212 that pivots as indicated by arrows 76. While the back portion 212 is pivotally attached to the seat 10, there is no disclosure that the back portion 212 is releasably attached as defined by Applicant's claims. Furthermore, there is no suggestion in Talbot that the back portion 212 can be mounted adjacent the pommel of the saddle.

Applicant's Claims 20, 28 and 32 define "a trunk pad mounted on and selectively moveable along said support member". Talbot does not show such a trunk pad.

While the Examiner admitted that Talbot does not disclose a pair of forearm pads removably and adjustably attached to the support member, Talbot also does not disclose the handgrip assemblies, the transverse frame member and the pair of arm members as defined by Applicant's claims.

The Examiner relies upon the Davis patent to provide the forearm pads, the handgrip assemblies, the transverse frame member and the pair of arm members missing from the Talbot patent. The Davis patent shows in Figs. 1-5 a wheelstand 10 that includes a frame 12 and a prone board 14 that tilts between a first end position leaning forward at about 75° when vertical and a second end position at horizontal. The prone board 14 has a chest pad 38 attached to a pair of tubes 96, 98 that telescope into upper ends of a pair of rails 46, 48. A pair of thoracic lateral pads 74, 76 is attached to the sides of the chest pad 38. A forearm-elbow-shoulder positioner 84 is mounted to a bracket 86 that attaches to the rails 46, 48. Fig. 6 shows an alternate embodiment of the wheelstand 10 with a pair of handles 112, 114.

The purpose of the Davis wheelstand 10 is to encourage substantially one-hundred percent weightbearing on the lower extremities (Col. 4, Lines 34-38). Thus, foot plates 42, 44 are provided for the user. While both the Talbot patent and the Davis patent both generally relate to devices for supporting physically handicapped persons, the devices function in completely different manners. The Talbot device provides support to the back of a person seated on a saddle. The Davis device provides a minimum amount of support at the front of a person to encourage substantially one-hundred percent weightbearing on the lower extremities for muscular development and independence. Thus, there is no motivation for looking at the Davis patent to add the claimed elements missing from the Talbot patent.

Regarding the forearm pads defined by Claims 24-26 and 28-32, Davis shows a pair of forearm-elbow-shoulder positioners 84. Even if one were to be motivated add forearm pads to
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Talbot and to look to Davis for forearm pads, there is no suggestion in either patent as to how or where the positioners 84 could be removably attached to the Talbot back member 12 (112, 212, 312). Furthermore, Applicant's Claim 26 defines the forearm pads as being "at least one of moveable along and rotatable about said associated arm member." The Davis positioners 84 are neither.

The Examiner stated that Davis teaches including a trunk pad 84, for example, slidably mounted on the support member. As stated above, Davis element 84 is a forearm-elbow-shoulder positioner and not a trunk pad.

The Examiner stated that Davis teaches a head rest 38, for example, adjustably attached to the support member. As stated above, Davis element 38 is a chest pad and not a head rest.

The Examiner stated that Davis teaches a pair of handgrip assemblies, 112, 114, for example, removably and adjustably attached to the support member. The handles 112, 114 are not adjustable.

The Examiner stated that Davis further teaches a handgrip assembly 112, 114, for example, removably and adjustably attached to each of the arm members 86, via the interconnecting components, *inter alia*, 46, 48, for example. The handles 112, 114 are not adjustable relative to the bracket 86 since the handles are fixed to the rails 46, 48.

In summary, Talbot lacks the front and rear attachment point means, the selectively and releasably attached support member, the forearm pads, the handgrip assemblies, the transverse frame member and the pair of arm members of Applicant's claims. Also, Talbot doesn't show or suggest a support assembly that can be attached adjacent the pommel of a saddle as defined by Applicant's claims. While Davis shows some of the missing elements like the forearm-elbow-shoulder positioners 84 and the handles 112, 114, there is no suggestion as to how the Davis elements could be attached to the Talbot back member 12 to meet the limitations of Applicant's claims.

In view of the amendments to the claims and the above arguments, Applicant believes that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.